

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In re:

20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc., *et.al.*,¹

Debtors.

MICHAEL GOLDBERG, as Plan Administrator for
20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc.,

Plaintiff,

v.

INTERNAL REVENUE SERVICE, an agency of the
United States of America,

Defendant.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

Adversary No. 24-01533 (VFP)

¹ The last four digits of Debtor Bed Bath & Beyond, Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtor's claims and noticing agent at <https://restructuring.ra.kroll.com/bbby/>.

**NOTICE OF HEARING ON PLAINTIFF'S AGREED MOTION
FOR LEAVE TO FILE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that on March 4, 2025, at 10:00 a.m. (prevailing Eastern Time), or as soon thereafter as counsel may be heard, Plaintiff, Michael Goldberg, solely in his capacity as the Plan Administrator (the "Plan Administrator" or "Plaintiff") for 20230930-DK-Butterfly-1, Inc. (f/k/a/ Bed Bath & Beyond Inc.)² and affiliated debtors (the "Debtors"), by and through their undersigned counsel, shall move (the "Motion") before the Honorable Vincent F. Papalia, United States Bankruptcy Judge, at the United States Bankruptcy Court for the District of New Jersey, Courtroom 3B, 50 Walnut Street, Newark NJ 07102, for the entry of an order (the "Order"), substantially in the form attached to the Motion as **Exhibit B**, granting Plaintiff leave to file an amended complaint.

PLEASE TAKE FURTHER NOTICE that parties may make arrangements to appear telephonically by Court Solutions at <https://www.court-solutions.com/>, no later than 3:00 p.m. the court day prior to the hearing.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing, (ii) state with particularity the basis of the objection; and (iii) be filed with the Clerk of the United States Bankruptcy Court electronically by attorneys who regularly practice before the Bankruptcy Court in accordance with the *General Order Regarding Electronic Means for Filing, Signing, and Verification of Documents dated March 27, 2002* (the "General Order") and the *Commentary Supplementing Administrative Procedures dated as of March 2004* (the "Supplemental Commentary") (the General Order, the Supplemental

² Pursuant to the *Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc.*, which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as "Bed Bath & Beyond Inc." was changed to *20230930-DK-Butterfly, Inc.* [Filing ID No. 230921001833 DOS ID 315602].

Commentary and the User's Manual for the Electronic Case Filing System can be found at www.njb.uscourts.gov, the official website for the Bankruptcy Court) and, by all other parties-in interest, on CD-ROM in Portable Document Format (PDF), and shall be served in accordance with the General Order and the Supplemental Commentary, so as to be received no later than seven (7) days before the hearing date set forth above.

PLEASE TAKE FURTHER NOTICE that, unless responses are timely and properly filed and served, the Motion shall be decided on the papers in accordance with D.N.J. LBR 9013-3(d), and the relief requested may be granted without further notice or hearing.

Dated: February 11, 2025

/s/ Colin R. Robinson

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